

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RICHARD WOJTCZAK,  
Plaintiff,**

**v.**

**PENNSYLVANIA, DEP'T  
OF CORRECTIONS, et al.  
Defendants,**

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**No. 1:01-CV-1163**

**(Judge Rambo)**

**(Magistrate Judge Mannion)**

**(Electronically Filed)**

**MOTION OF COMMONWEALTH DEFENDANTS  
FOR SUMMARY JUDGMENT**

Defendants, the Pennsylvania Department of Corrections, Jeffrey Beard, Kenneth Kyler, Patricia Yarger, Patty Everhart, and Scott Walters, (hereinafter “the Commonwealth defendants”), through their counsel and pursuant to Federal Rule of Civil Procedure 56, hereby request this Court to enter summary judgment in their favor and against plaintiff Richard Wojtczak. There are no genuine issues of material fact in dispute and, based upon those undisputed facts, the Commonwealth defendants are entitled to judgment in their favor as a matter of law. In support of

this motion, the Commonwealth defendants refer the Court to their Statement of Material and Undisputed Facts, supporting brief, and exhibits, which have been filed simultaneously with this motion.

**WHEREFORE**, the motion of the Commonwealth defendants should be granted and judgment should be entered in their favor as a matter of law. The amended complaint as against the Commonwealth defendants should be dismissed with prejudice.

**Respectfully submitted,**

**GERALD J. PAPPERT**  
**Attorney General**

**By: s/ Amanda L. Smith**  
**AMANDA L. SMITH**  
**Deputy Attorney General**  
**Attorney I.D. 86316**

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**SUSAN J. FORNEY**  
**Chief Deputy Attorney General**  
**Chief, Litigation Section**

**Date: January 26, 2004**

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**CERTIFICATE OF SERVICE**

I, Amanda L. Smith, hereby certify that on this date I caused to be served a copy of the foregoing, Motion of Commonwealth Defendants for Summary Judgment, by placing it in the United States Mail, postage prepaid, first class, in Harrisburg, PA, addressed to each of the following:

**Richard Wojtczak, AF-5977  
SCI-Laurel Highlands  
5706 Glades Pike  
P.O. Box 631  
Somerset PA 15501**

**s/ Amanda L. Smith  
AMANDA L. SMITH  
Deputy Attorney General**

**DATE: January 26, 2004**